THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3257 of 2006

Dated: 22.01.2007

Between:

Sri Mummadi Sidda Shivalinga Prasad.

..... PETITIONER

AND

The Government of A.P., rep. by its Commissioner,
Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

The petitioner filed instant writ petition seeking a writ of Mandamus directing the respondents to recognize the petitioner as Mathadhipathi of Sri Shambhudevara Math, Chebrolu in Guntur District. It is his case that 12th Mathadhipathi nominated the petitioner as successor under a Will dated 24.12.1988 registered in the office of Joint Sub-Registrar, Guntur. He was statedly nominated as Chinna Swamy on 03.05.1996. 12th Mathadhipathi was removed by proceedings dated 31.05.1991, which was challenged in O.S.No.265 of 1991 unsuccessfully. An appeal, being A.S.No.2180 of 2002, against the trial Court's Judgment is pending before this Court. However, the Executive Officer of Chebrolu group of temples directed 12th Mathadhipathi to handover charge of Math, which was not given. Therefore, the Executive Officer forcibly took over the charge but allowed the petitioner to other inmates to perform the rituals of the Math. The petitioner made representation on 12.06.2004 followed by other representations requesting to recognize him as Mathadhipathi under Section 52 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (the Act, for brevity). As there was no response, instant writ petition is filed.

The matter was listed before this Court on 10.03.2006. The learned Assistant Government Pleader for Endowments produced a copy of the proceedings No.D1/31151/2004 dated 10.01.2006 whereunder the request of the petitioner was rejected. However, this Court directed the Government Pleader to file counter-affidavit. A counter-affidavit has now been filed by the Commissioner of Endowments.

In the counter affidavit, *inter alia,* it is stated that the representation dated 12.06.2004 filed by the petitioner was enquired into after issuing notice to the petitioner. His request was rejected by proceedings 10.01.2006.

The learned counsel for the petitioner does not dispute that against the proceedings dated 10.01.2006, the petitioner filed W.P.No.15828 of 2006 and the same is pending, in which notice before admission was ordered. Therefore, insofar this writ petition is concerned, no further orders are necessary. Liberty is reserved to the petitioner to raise all the grounds in W.P.No.15828 of 2006.

The writ petition, with the above observations, is accordingly dismissed, without expressing any opinion on the merits of the case. No

costs.

(**V.V.S.RAO, J**)

22nd January, 2007
ghn